counsel for the people must commence and the defendant or his counsel conclude the argument to the jury.

The difficulty with this provision is practically the same as that with the provision of the present law. Now the counsel for the defendant has no opportunity to rebut any of the arguments presented by the prosecution in its summing up. If this bill became a law the prosecution would not have any opportunity to answer any of the arguments presented by the defendant. Some provision should be made whereby both sides shall have the opportunity to rebut the opposition. If the prosecution begins summing up, the defendant then succeeds, and the prosecution ought to have a few minutes to rebut the arguments presented, just as the defense has had an opportunity to rebut the arguments of the prosecution. If the defendant sums up first, then the defendant ought to have a few minutes after the summing up speech of the prosecution to present arguments in rebuttal.

Under the present system, in spite of its large number of presumptions in favor of the defendant, and the disadvantage to the prosecution caused by the fact that it does not know the defense until the actual day of trial, whereas the defendant is already cognizant of the prosecution's case, the grave disadvantages to the defense because of the great means, power and prestige of the prosecution, induce me to favor having the defense sum up first, and then sum up last after the speech of the prosecution, but be limited only to answering the arguments presented by the prosecution. It seems very unreasonable to deprive the defendant of all opportunity to reply. In practice there is great hardship in this deprivation. It may be said that it is unjust under modern conditions to deprive the prosecution of all knowledge of the defense until the actual trial. But though this is true, the hardship is not so great as that caused by depriving the defendant of a rebuttal argument to the jury. The argument to the jury is one of the most effective weapons of either side.

But if we had a public defender and the defense and the prosecution were upon the same level of power, the presumption and defenses now given to the defendant might be abrogated and both sides come in on an equality. Then the summing up by defendant last, as I have suggested, would give the defense a slight advantage in the whole case over the prosecution. Since the prosecution has the burden of proof, and since, with a public defender, equality of power would reign, the prosecution should sum up last. The order would be this: prosecution sums up; defense sums up and rebuts arguments advanced by prosecution; prosecution rebuts arguments advanced by defense. This procedure might be best even under the present system, thus giving both sides the opportunity for rebuttal, and the prosecution the last word in consideration of the assumption of the burden of proof, and other disadvantages.—R. F.

To amend the penal law in relation to murder in the first degree (N. Y. Assembly Bill Int. 363, Pr. 363).—This is a bill which seeks to make murder punishable by death or life imprisonment and which gives the jury power to designate in their verdict whether the prisoner shall be punished by death or by imprisonment for life.

So far as the alternative for murder in the first degree between death and life imprisonment is concerned, I have no objection to offer. But so far as the jury is empowered to decide whether the person is to be sent to death or to prison, I demur upon the ground that a jury is not a body sufficiently trained

to know what should be done with the particular convicted man. My idea is to put technical things into the hands of technical men, and a jury should have nothing to say concerning the length of imprisonment any more than the judge should have anything to say about it. The prisoner should be sent after conviction to an institution and there examined and sent to a criminal insane asylum or to the asylum for idiots or imbeciles, or to prison, and there watched in his progress or regress. The board of parole should have authority, upon all the evidence of the career of the prisoner previous and subsequent to conviction, to decide what should be done with the man. I am not at present advocating an absolutely indeterminate sentence; but under the present law, which provides for a partially indeterminate sentence, I should give the power to the board of parole to decide to keep the prisoner in for the maximum limit or less. I should leave it to the board of parole to say whether a convict should be put to death or be sent to life imprisonment.—R. F.

A bill to establish a bureau for the study of the criminal, pauper, and defective classes.-In the Senate of the United States Mr. Robinson introduced the following bill on March 10, 1916. It was read twice and referred to the committee on the judiciary. It is known as S. 4990: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of Justice a bureau for the study of the abnormal classes, and the work shall include both laboratory investigations and the collection of sociological and pathological data, especially such as may be found in institutions for the criminal, pauper, and defective classes. Said bureau and work shall be in charge of a director, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $3,000 per annum. He shall make a report once a year, directed to the attorney general, which, with the approval of that officer, shall be published. For the aid of the director there shall be one psychologist at $2,000 per annum, one translator at $1,400 per annum, two clerks at $1,200 each, and one stenographer and typewriter at $1,000.

Sec. 2. That the director, if necessary for the proper discharge of his duties, may place himself in communication with state and municipal and other officials of this and other countries.

Sec. 3. That for the proper equipment of and carrying on the work of said bureau, the temporary employment of specialists, and the purchase of instruments of precision, books and periodicals, and rental of rooms, if necessary, there is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, the sum of $5,000, or so much thereof as may be required.—R. H. G.

Speedy Determination of Appeals in San Francisco.—In November, 1914, Mr. Presiding Justice Lennon and Justices Kerrigan and Richards of the District Court of Appeal for the First District, at San Francisco, formulated a plan to facilitate the disposal of business in that tribunal. The system adopted by them included the examination of the records on appeal and briefs in each case before placing causes on the calendar for oral argument, and, when the nature of the case permitted, rendering a decision from the bench at the conclusion of the argument, the transcribed notes of the official reporter becoming the written opinion of the court.

The result of innovations is always interesting, and particularly where